No. 95-974

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1995

ARIZONANS FOR OFFICIAL ENGLISH
AND ROBERT D. PARK,
Petitioners,

v.

STATE OF ARIZONA; MARIA-KELLEY F. YNIGUEZ;
JAIME P. GUTIERREZ; AND ARIZONANS AGAINST
CONSTITUTIONAL TAMPERING,
Respondents.

On Writ Of Certiorari to the United States
Court of Appeals for the Ninth Circuit

BRIEF OF NATIONAL COUNCIL OF LA RAZA,
MALDEF, INC., ET AL. AS AMICI CURIAE
IN SUPPORT OF RESPONDENTS
(Supported Arizona Legislation)

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STATEMENT OF INTERESTS OF AMICI CURIAE

This brief *amici curiae* is submitted on behalf of numerous community-based organizations ("CBOs") that provide assistance and support services to persons with limited or no English-speaking ability.[1] The *amici* CBOs, in a time of declining budgets and resources, attempt to provide a broad spectrum of services including health care, business and community development, educational programs, counseling, and employment assistance.[2] CBOs also inform their clients of their rights and obligations under federal and state law. CBOs thus not only assist persons with their immediate needs but also serve as a conduit between federal, state, and local governments and their non-English-speaking constituents by providing information about government and its services.

The approximately 7 million people in the United States with limited or no proficiency in English[3] constitute one of *amici* CBOs' principal constituencies. In Arizona alone, 21% of the population over the age of 5 speaks languages other than English at home, including Spanish (14%), German (.6%), Vietnamese (.1%), and several Native American languages

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[1] Pursuant to Sup. Ct. R. 37.3, the parties' letters of consent to the filing of this brief have been filed with the Clerk.

[2] The *amici* CBOs, including those based in Arizona, and the programs that they provide are described in the Appendix.

[3] *See* Letter from Rosalind R. Bruno, Education and Social Stratification Branch, Bureau of the Census, to Karen Hanson, Nat'l Council of La Raza 1 (Nov. 27, 1995) (on file with counsel for *amici*). Throughout this brief, the terms "limited English" and "non-English" speakers are used interchangeably to refer to persons with limited and/or no proficiency in English.

(3%).[4] Of these Arizonans, 122,423 (4% of the State's population) have limited or no proficiency in English.[5] These limited English-speaking groups have more difficulty accessing government assistance and information than English-proficient groups.[6] *Amici* CBOs are concerned that coercive English-only laws, such as Article XXVIII of the Arizona Constitution ("Article XXVIII"), will further isolate these constituents from their government and the democratic process.

Many persons in the United States with limited English proficiency are recent immigrants in search of economic prosperity and participation in a democratic society. Because they have an incentive to learn English to attain these goals,

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[4] *See* Bureau of the Census, U.S. Dep't of Commerce, *1990 Census of Population - Social and Economic Characteristics (Arizona)*, Table 18 (1993). These percentages are derived from the responses to question 15(a) of the 1990 Census Form, "Does this person speak a language other than English at home?" *See id.* at App. B-23-24, E-14.

[5] *See id.*, Table 18. This percentage is derived from responses to question 15(c) of the 1990 Census Form, "How well does this person speak English?" For purposes of this brief, persons are considered to be limited or non-English proficient if they responded "not well" or "not at all" (as opposed to "very well" or "well") to question 15(c). *Id.* at App. B-24-25, E-14.

[6] One study has shown that families with limited or non-English-speaking heads of household received their welfare checks nearly a week later than English-speaking clients; incurred greater incidental costs in receiving the benefits, such as making extra trips to welfare offices, paying for interpreters, and losing wages due to increased time at the social service agency; and received no information concerning additional sources of assistance such as free legal, educational, or day care assistance. Office of Civil Rights, U.S. Dep't of H.E.W., *Access of Non- or Limited-English Speaking Persons of Hispanic Origin to the N.Y.C. Dep't of Social Services* (1979), *discussed in* Bill Piatt *¿Only English?* 105-06 (1990).

many communities of non-English speakers constitute groups in transition to English proficiency. Non-English-speaking immigrants generally learn English quickly after arriving in the United States,[7] and use English as their primary or sole language within two or three generations.[8] However, because there is a constant influx of immigrants to the United States,[9] and because discrimination against and inadequate education of language minorities persist,[10] there will always be a need to provide information about government and government services in languages in addition to English.

Amici have witnessed first-hand the difficulties faced by persons with limited English proficiency in accessing information about government and its services. Moreover, *amici* are gravely concerned that if coercive English-only laws

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[7] Calvin Veltman, *The Future of the Spanish Language in the United States* 44-45 (1988). For example, by the time they have been in the country for 15 years, approximately 75% of all Hispanic immigrants are speaking English on a regular basis. Indeed, more than 75% of immigrants who have arrived in the United States before reaching 14 years of age have made English their everyday language. *Id.* at 40.

[8] *Id.* at 49.

[9] The number of legal immigrants to the United States over the past three fiscal years has been 904,292 (1993), 804,416 (1994), and 720,461 (1995). Immigration and Naturalization Service, U.S. Dep't of Justice, *Immigration to the United States in Fiscal Year 1995*, at 1 (1996).

[10] Insensitivity and indifference to language barriers also impede the flow of information between the government and non-English-speaking constituents. *See* Melita Garza, *CHA Opens Section 8 Lists For Latinos*, Chi. Trib., Apr. 23, 1996, at A1 (Chicago Housing Authority admitted that it had purged from Section 8 housing waiting lists Latino applicants who failed to respond to letters sent to them in English).

like Article XXVIII are upheld, CBOs will be overwhelmed by non-English-speaking persons who would be cut off from direct access to vital government information and services.[11] Even assuming that CBOs could meet this demand, they would be forced to redirect scarce resources to provide (1) comprehensive translation services for communication between non-English speakers and government employees, and (2) multilingual services and information presently being provided more effectively and efficiently by all levels of government. The result would be not only to exclude non-English speakers from communication with government, but also to undermine the ability of CBOs to continue providing vital programs and assistance to their constituents.

SUMMARY OF ARGUMENT

Article XXVIII unconstitutionally impairs the First Amendment rights of both government employees and non-English-speaking Arizonans by banning protected speech -- in this case, the communication of information about government and its services in any language other than English.[12] Article

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[11] The absence of a coercive English-only law does not impose an affirmative obligation on state or local governments to provide information about rights and services in languages other than English. Rather, it allows these governments or their employees to use other languages to deliver efficiently and effectively information about government services to non-English speakers.

[12] Article XXVIII of the Arizona Constitution was passed as a ballot initiative in 1988. *See Yniguez v. Arizonans for Official English*, 69 F.3d 920, 924 (9th Cir. 1995) (*en banc*), *cert. granted*, 64 U.S.L.W. 3635 (U.S. Mar. 25, 1996). As other *amici* compellingly argue, Article XXVIII violates the First Amendment rights of Ms. Yniguez and other public employees by prohibiting them from conveying government (continued...)

XXVIII applies to all government officials and employees in the performance of government business. It therefore prohibits state officials and employees from speaking languages other than English with non-English-speaking constituents, a form of communication which the State has conceded improves efficiency. Article XXVIII also requires English as the language of public schools. Accordingly, it restricts the use of bilingual education, which has been widely recognized as the most effective method of teaching limited English-proficient children. Because Article XXVIII's broad sweep imposes an English-only requirement on state statutes, rules, programs and policies, it precludes the dissemination in languages other than English of information on various educational, public health and welfare programs which are designed to benefit *all* Arizonans.

Article XXVIII would shift to CBOs the burden of serving as primary providers of information about government to non-English-speaking Arizonans. CBOs already face limited funding for the services they provide, and this shift would likely result in a reduction in other forms of assistance for their constituents. Moreover, because the State would cede control of delivering its message to non-English speakers, information about government services may not be presented as effectively as if provided directly by the State itself.

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[12](...continued)
information and services to the public in any language other than English. *See* Brief of *Amici Curiae* American Civil Liberties Union *et al.* *Amici* CBOs will not repeat these arguments here. Instead, *amici* CBOs focus their legal argument on the impact of Article XXVIII on the First Amendment rights of non-English-speaking Arizonans. *See Brief for Petitioners* [hereinafter *Pet. Br.*] at 25-26.

Article XXVIII violates the First Amendment rights of non-English speakers in Arizona by erecting a barrier to their ability to receive information and ideas from their state and local governments. Article XXVIII also suppresses the flow of truthful information for the paternalistic purpose of compelling Arizonans to learn English. It does so by "hiding" information about government services and functions from non-English-speaking Arizonans. By denying access to information and impeding the free flow of information, Article XXVIII hinders non-English-speaking Arizonans' ability to participate in democratic society. In effect, it silences them, and silences government employees by preventing them from serving as sources of vital information. Such enforced silence is contrary to our Nation's commitment, embodied in the First Amendment, to the ideal of a free exchange of ideas and flow of information.

Article XXVIII's suppression of speech about government and government services does not promote any of the state interests asserted by Petitioners. Article XXVIII does not promote governmental "legitimacy." A legitimate democratic government serves *all* its constituents whether or not they speak English. Article XXVIII also does not promote national unity. To the contrary, it would divide society into those able to participate in government and those incapable of doing so. Nor does Article XXVIII foster a common language. English is -- and will continue to be -- the predominant language of the United States, which all attempt to learn in order to take advantage of the opportunities available in Arizona and the United States. For these reasons, Article XXVIII is repugnant to the First Amendment and our nation's democratic traditions. This Court should affirm the Ninth Circuit's decision invalidating Article XXVIII.

ARGUMENT

I. ARTICLE XXVIII FORECLOSES DIRECT ACCESS TO INFORMATION BY AND ABOUT GOVERNMENT FOR ARIZONANS WITH LIMITED ENGLISH PROFICIENCY.

"Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs."[13] *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829, 838 (1978) (quoting *Mills v. Alabama*, 384 U.S. 214, 218 (1966)). Article XXVIII inhibits "the free discussion of governmental affairs" because it purposefully deprives non-English-speaking Arizonans of access to information about the government when multilingual access is necessary "to ensure fair and effective delivery of governmental services to non-English speakers."[14] Moreover, Article XXVIII would make the State's policy on the use of English inconsistent with federal law and policy, which do *not* require that immigrants to the United States, including those residing in Arizona, know

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[13] "Free discussion" necessarily implies protection not only for the speaker and provider of information but also for the audience and consumer of information. *See, e.g., Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748, 756 (1976) (First Amendment protection extends to "the communication, its source and to its recipients both").

[14] Op. Att'y Gen. Az., I89-009, at 7 (1989), *reprinted in* Joint Appendix [hereinafter J.A.] at 71. The Arizona Attorney General's opinion construed Article XXVIII to be applicable only to "official acts of government." (J.A. 76.) This opinion, however, is not binding on Arizona courts. *See Yniguez*, 69 F.3d at 928-29.

English as a condition to entry.[15] *See* 8 *U.S.C.* §§ 1101 *et seq.* (1994).

The Arizona government at both state and local levels has recognized the importance of ensuring that non-English speakers are able to receive important information in a comprehensible form about, *inter alia*, education, legislative matters, consumer protection, health care, and public benefits by providing information in languages other than English.[16] This information is essential to both English and non-English speakers, and the broad dissemination of this information to *all* segments of society benefits the entire state. By prohibiting public employees and all state agencies from communicating information in languages other than English, Article XXVIII

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[15] The Clinton Administration has opposed recent attempts to adopt an English-only law at the federal level. *See* Letter from Andrew Fois, Ass't Att'y Gen., U.S. Dep't of Justice, to Hon. Ted Stevens, Chairman of the Senate Comm. on Governmental Affairs, U.S. Senate 2 (May 14, 1996) (on file with counsel for *amici*) ("The passage of [The Language of Government Act] would decrease administrative efficiency and exclude Americans who are not fully proficient in English from education, employment, voting and equal participation in our society.").

[16] At the federal level, Congress has implemented laws to protect the rights of non-English speakers to receive government information, and has taken affirmative steps to enable the non-English-speaking public to participate in meaningful communication with the government. *See, e.g.*, 42 U.S.C. § 1973aa-1a(b) (1994) (requiring bilingual voting materials for certain non-English speaking populations); 20 U.S.C. §§ 7401-7602 (1994) (providing funds to help states educate language minority residents); 42 U.S.C. §§ 254b(f)(3)(J), 254c(e)(3)(J) (1994) (requiring identification of bilingual staff members in federally-funded migrant and community health centers where there are substantial number of limited English-speaking clients).

denies access to this vast body of information by the non-English-speaking public.[17]

A. Article XXVIII Impairs Communication with State Employees and Elected Officials in Languages Other Than English.

The examples of Ms. Yniguez and Senator Gutierrez illustrate the unreasonable barriers that Article XXVIII would place before limited English-speaking Arizonans seeking to receive government information or services. On behalf of the Risk Management Division, Maria-Kelley Yniguez spoke in Spanish to Spanish-speaking people who were asserting medical malpractice claims against the State of Arizona. (J.A. 45-46.) In the course of her official duties, Ms. Yniguez also prepared legal documents in Spanish so that Spanish-speaking citizens who were unable to read English could understand the legal import of the documents they were asked to sign. (J.A. 48.) Ms. Yniguez spoke Spanish on the job with the consent of her supervisors; in fact, at the request of her supervisors, Ms. Yniguez used her bilingual skills to help investigate other claims made against the State of Arizona. (J.A. 46.)

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[17] Article XXVIII's exceptions are limited and vague: non-English languages may be used to protect the rights of criminal defendants and victims, to protect public health or safety, to teach a foreign language, and to comply with federal laws. *Art. XXVIII*, § 3(2). Article XXVIII provides no guidance on how these exceptions are to be applied, yet, permits suits by private citizens to enforce the "official" use of English. *Id.*, § 4. In those instances where a state employee must interpret Article XXVIII's boundaries, the threat of employee sanctions and Article XXVIII's private right of enforcement would deter state employees from using any language other than English. *See, e.g.*, J.A. 86 (Ms. Yniguez ceased using Spanish on the job out of fear that "it would be contrary to the amendment" and "someone could bring a lawsuit against me").

Article XXVIII applies to "all government officials and employees during the performance of government business." *Art. XXVIII*, § 1(3)(a)(iv). It would thus prohibit bilingual employees like Ms. Yniguez from speaking Spanish on the job, and would thereby foreclose the most efficient form of government communication with non-English speakers. As Ms. Yniguez herself noted: "If I am not permitted to communicate in the Spanish language with persons who speak the Spanish language but not the English language, I will be denied the opportunity to obtain and disseminate information which is of public importance and interest." (J.A. 46.) The absurdity of Article XXVIII, and the waste of resources it would engender is obvious: a private citizen would be needed to translate a conversation between a Spanish speaker and Ms. Yniguez about a medical malpractice claim, even though Ms. Yniguez could speak directly to the Spanish speaker in Spanish.

Similarly, state legislators such as Senator Jaime Gutierrez have relied on their foreign language skills to ensure that their non-English-speaking constituents are not denied access to the government. (J.A. 78-79.) Senator Gutierrez has used Spanish with his non-English-speaking constituents to provide "educational material regarding State government," and to permit "entry or access into State government for resolution of whatever types of problems one may have." (*Id.* at 79.) However, Article XXVIII applies to the "Legislative, Executive and Judicial branches of government," *Art. XXVIII*, § 1(3)(a), and mandates that the English language is the language of "all government functions and actions," *id.*, § 1(2). Article XXVIII would thus ban legislators from speaking with or writing to their constituents in any language other than English. *See Yniguez*, 69 F.3d at 950 (Brunetti, J., concurring). Even though State representatives may share

fluency in a non-English language with their constituents, they would not be allowed to communicate in that language to describe legislative developments or proposed legislation, or to seek input on what actions they should take on their constituents' behalf -- communication at the core of the First Amendment and our democratic form of government.

B. Article XXVIII Restricts the Educational Opportunities of Non-English-Speaking Arizonans.

Article XXVIII restricts educational opportunities by preventing Arizonan children with limited or no proficiency in English from receiving bilingual education -- widely regarded as the most effective form of language instruction. Many educators agree that incorporating the student's native language in teaching is the best method to achieve fluency in both English and the student's native language in the shortest amount of time, and still ensure that the student learns the substantive content of the subject being taught.[18] Article XXVIII ignores these findings -- with no justification except to coerce the use of English -- and requires English to be the language of the public schools. *Art. XXVIII*, § 1(2). As a result, over 90,000 K-12 students in Arizona[19] would be denied

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[18] *See, e.g.*, Wayne P. Thomas & Virginia P. Collier, *Research Summary of Study in Progress: Language Minority Student Achievement and Program Effectiveness* (1995). This study examined approximately 42,000 student records, and found that language minority students reached English fluency in five to ten years if taught in English only. The use of bilingual instruction, however, reduced this time to four to seven years.

[19] Bilingual Educ. Unit, Arizona Dep't of Educ., *Bilingual Programs and English as a Second Language Programs Annual Report 1992-1993*, at 13 (1994).

the most effective form of educational instruction.[20] Arizona school districts that have successfully educated language minority youths in the past through the use of native language instruction would be forced to abandon bilingual education. Therefore, Article XXVIII would effectively ban the option of bilingual education and require less effective means for educating non-English-speaking students.

Article XXVIII undermines the educational process in other ways as well. Non-English-speaking parents already face great difficulty participating in their children's education. *See* 20 U.S.C. § 7402(a)(5)(C) (1994). Article XXVIII would increase that difficulty because it appears to preclude public school teachers from communicating directly with non-English-speaking parents in languages other than English. Although educators have found that a student's academic performance is strongly affected by the parents' participation in the child's

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[20] Article XXVIII purports to create an exception to English-only instruction "to assist students who are not proficient in the English language, to the extent necessary to comply with federal law, by giving educational instruction in a language other than English to provide as rapid as possible a transition to English." *Art. XXVIII*, § 3(2)(a). This exception, however, is meaningless because federal law does not specifically mandate native language instruction; it only requires that (1) school districts provide sound educational programming to limited English proficient students through which they can acquire English language skills, and (2) the educational program produces results indicating that the language barriers are being overcome. *See Castaneda v. Pickard*, 648 F.2d 989, 1009-11 (5th Cir. 1981).

schooling,[21] Article XXVIII removes this critical support from the child's education.

Article XXVIII would also harshly impact non-English-speaking families with children in special education programs. The State of Arizona currently requires each local educational agency ("LEA") and State-supported institution ("SSI") to provide information regarding the rights of handicapped children in a language comprehensible to the parents, regardless of their ethnic, linguistic, or cultural background. Ariz. Admin. Code § R7-2-401(B)(1) (1995). All communications from the LEA or SSI to the language minority parents about any special education matter must be in the primary language of the home. *Id.* § R7-2-401(C)(7). Furthermore, the State must provide an interpreter during an individualized education program planning conference if either the parent or child has limited English proficiency. *Id.* § R7-2-401(F)(3). These services are designed to increase the parents' level of participation in the educational process to ensure that children receive an effective education. These services are not likely to be available because Article XXVIII precludes state employees from using any language other than English.

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[21] *See* Dinah Volk, *A Case Study of Parent Involvement in the Homes of Three Puerto Rican Kindergartners*, 14 J. Educ. Issues Lang. Minority Students 89 (1994) ("parent involvement is frequently described in the literature as critical to the development of academic achievement, cognitive development, self-esteem, motivation, and self-discipline").

C. Article XXVIII Suppresses the Dissemination of Information Intended to Promote Public Awareness and Welfare.

Recognizing that providing information only in English does not adequately inform all Arizonans, the State of Arizona has adopted laws and regulations to ensure that the non-English-speaking public understands basic information about their rights and responsibilities. These laws are likely to be declared unconstitutional under Article XXVIII. *See Art. XXVIII*, § 1(3)(a)(iii) (English-only requirement applies to "all statutes, ordinances, rules, orders, programs and policies").

For example, Arizona currently requires all businesses that process consumer loans to post conspicuous signs in English *and* Spanish stating that legally-required disclosures must be provided in Spanish at the borrower's request. Ariz. Rev. Stat. § 6-651(A)(2) (1995). It would be inconsistent with Article XXVIII for the State to mandate that private organizations publish consumer protection notices in any language other than English. Language minorities would thus be placed at a substantial disadvantage in situations where the State itself has recognized a critical need for consumers to be aware of their rights in order to make informed decisions.

In the area of health care, Arizona requires that patients with serious medical or mental conditions must be informed of their rights in a language which they understand.[22] Without

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[22] *See* Ariz. Admin. Code § R9-20-201(A)(10) (1996) (all clients of behavioral health service agencies have a right to be informed of all rights in the client's primary language); *id.* § R9-21-315(B) (client or applicant for mental health services must be informed by written notice in English and Spanish of rights to appeal); *see also id.* § R9-22-518 (continued...)

this support, the most vulnerable members of society are left to fend for themselves since they would not be aware of the rights and protections that they are entitled to receive by law.[23]

Non-English-speaking Arizonans would even be foreclosed under Article XXVIII from obtaining the knowledge necessary to exercise basic rights and benefits enjoyed by English-speaking Arizonans. Currently, government agencies print information in Spanish on a variety of topics, including energy conservation, the rights of utility customers, gang membership deterrences, accessing emergency medical services, obtaining health care for children of low-income families, and maintenance of privately-owned gas pipelines served by public utilities.[24] Providing such information in languages other than English is likely to be foreclosed by Article XXVIII because it requires the use of English by "all political subdivisions, departments, agencies, organizations, and instrumentalities" of the State. *Art. XXVIII*, § 1(3)(a)(ii).

The availability of information on public health and consumer education programs in languages other than English benefits *all* Arizonans by increasing the number of informed

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[22](...continued)
(companies that contract with the State of Arizona to provide health services must provide written descriptions of their services and fees in English and in a second language when 200 members or 5%, whichever is greater, of the population enrolled in the health plan are non-English-speaking).

[23] Article XXVIII includes an exception "to protect public health or safety." *Art. XXVIII*, § 3(2)(d). However, neither the nature nor the beneficiaries of this "protection" have been delineated.

[24] Examples of this information have been lodged with the Court by *amici* CBOs.

Arizonans and, thereby, the potential for participation in the programs. However, by requiring the use of only English, Article XXVIII cleaves society into those able to obtain and understand such government information and non-English speakers who must turn elsewhere -- most likely to CBOs -- to receive the same information, to the detriment of society as a whole.

II. ARTICLE XXVIII IMPEDES COMMUNICATION WITH THE GOVERNMENT BY NON-ENGLISH-SPEAKING ARIZONANS BY IMPOSING ENORMOUS BURDENS ON CBOS.

If Article XXVIII were enforced, it would shift to private parties, like CBOs, the burden of providing information about government to over 100,000 limited English-speaking Arizonans, thereby creating additional barriers to receipt of such information.[25]

A. Funding for CBOs Is Limited.

In a time of declining resources and increasing demand for assistance, Article XXVIII would force CBOs to assume the additional burden of serving as primary providers of information about government to non-English-speaking

[25] In addition to requiring the use of only English by the State, its officials, agencies and employees, Article XXVIII provides all persons residing or doing business within the State with the right to sue to enforce its English-only restrictions. *Art. XXVIII*, § 4. This private right of enforcement would have a direct chilling effect not only on state employees like Ms. Yniguez (*see* J.A. 52), but also on all persons or entities within the State at any point of communication with the State or its representatives.

Arizonans.[26] CBOs already face difficulty in meeting the present demand for these services. Article XXVIII would create the need for CBOs to expand translation services in order for non-English speakers to obtain information about government and government services. To the extent that CBOs are called on to serve as interpreters, they would pay a substantial price in funds and employees diverted from other much-needed programs such as: immunization clinics; child care; educational services; assistance to domestic violence victims; legalization and naturalization services; employment counseling; developing, renovating and providing housing for low-income families; mental health services and counseling; and substance abuse prevention and treatment. Ultimately, the cost of Article XXVIII would be borne by the constituents of CBOs in the form of reduced assistance. Thus, by shifting the burden to convey government information to CBOs, Article XXVIII increases the likelihood that the government's message will not be received.

B. Forcing Private Parties to Disseminate Information About Government Hinders Receipt of Accurate Speech.

Foreclosing direct access to communication with the Arizona government does not erase the acute need of non-English-speaking residents for government information and services. Therefore, to communicate with or to receive information about the government of Arizona, many more non-

[26] The State of Arizona could not condition funding for CBOs on the use of only English in the provision of services without violating the CBOs' First Amendment rights. *See Board of County Comm'rs, Wabaunsee County, Kansas v. Umbehr*, 64 U.S.L.W. 4682 (U.S. June 28, 1996).

English-speaking Arizonans will turn to CBOs. Article XXVIII, in effect, forces the State to cede control of its message and to rely on third parties with less familiarity and understanding about government programs to communicate directly with non-English speakers.

Even assuming that translation-on-demand would be available to non-English speakers (and without a corresponding reduction in other forms of assistance), there is no assurance that the government's message will be accurately translated or fully communicated by CBOs. While misinterpretation would certainly not be intentional, it is likely to occur, particularly when the information being translated is technical in nature or concerns complex issues. For instance, Ms. Yniguez, based on her experience in investigating medical malpractice claims involving the State, is in a better position than employees of CBOs to communicate information concerning the State's procedures for resolving such claims.

Nor will a literal translation of the government's message always be sufficient. In many cases, it would be important to convey the proper context and background along with the particular facts being communicated. For example, the description of a particular aspect of bringing a medical malpractice claim against the State may take on a fuller or even different meaning if accompanied by an explanation of the tort law of Arizona or administrative proceedings in general. The government employee representing a particular agency or program is in the best position to convey the message and its context -- not the third-party interpreter.

Moreover, Article XXVIII reduces government's and society's stake in ensuring that *all* persons participate directly in democratic society, and compels CBOs to assume the role of intermediaries between the non-English-speaking public and

government.[27] In contrast to the government as provider of this information, the numerous CBOs providing information to non-English-speaking Arizonans are likely to interpret the information differently and place it in different contexts. Ultimately, if CBOs become the primary source of information about government and the services it provides, the information will not be presented in a unified voice or as accurately as it would were the government the sole, multilingual speaker.

III. ARTICLE XXVIII VIOLATES THE FIRST AMENDMENT AND ITS PROTECTION OF THE RIGHT TO KNOW AND THE FREE FLOW OF TRUTHFUL INFORMATION.

A. Article XXVIII Abridges the Right of Non-English-Speaking Arizonans to Receive Information From and About Government.

Nearly two centuries ago, James Madison recognized the importance of the right to receive information and ideas, or, simply put, the "right to know":

> A popular government, without popular information or the means of acquiring it, is but a prologue to a farce or tragedy; or perhaps both. Knowledge will forever govern ignorance. And a people who mean to be their own governors, must arm themselves with the power knowledge gives.

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[27] Because Article XXVIII would force the state to abdicate its responsibility to provide information to non-English speakers, CBOs may be hesitant to refer non-English speakers to the government for assistance. If no translation service were available, it would be futile to send non-English-speaking clients to a government office.

Letter from James Madison to W.T. Barry (Aug. 4, 1822), *quoted in* Thomas I. Emerson, *Legal Foundations of the Right to Know*, 1976 Wash. U. L.Q. 1 (1976). This Court has since recognized in a number of different contexts the fundamental importance of the "right to know." It first clearly identified the right in *Lamont v. Postmaster Gen.*, 381 U.S. 301 (1965), when it upheld the right of citizens to receive "foreign communist propaganda" from abroad without having to notify the government.[28] Echoing James Madison's sentiments, Justice Brennan declared that "[t]he dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers." *Id.* at 308 (Brennan, J., concurring).

That same year, in *Griswold v. Connecticut*, 381 U.S. 479 (1965), this Court reemphasized the importance of the right to know when it struck down a Connecticut statute forbidding the use of contraceptives:

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[28] The Court, however, has traced the genesis of the right to know to the early eighteenth century. In *Grosjean v. American Press Co.*, 297 U.S. 233, 240 (1936), the Court described in detail the history leading to the adoption of the Free Speech Clause of the First Amendment. In 1712, the British Parliament imposed a "knowledge tax" on all newspapers and advertisements to suppress comments and criticisms objectionable to the Crown. Many citizens of England and the American Colonies protested this tax because it interfered with their ability "to establish and preserve [their] right to . . . full information in respect to the doings and misdoings of their government." *Id.* at 247. From this experience, the Framers drafted the Free Speech Clause to prevent "'any action of the government by means of which it might prevent such free and general discussion of public matters as seems absolutely essential to prepare the people for an intelligent exercise of their rights as citizens.'" *Id.* at 249-50 (quoting 2 Thomas M. Cooley, *A Treatise on the Constitutional Limitations* 886 (8th ed. 1927)).

> In other words, the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach.

Id. at 482 (citations omitted). Only four years later, this Court stated that "[i]t is now well established that the Constitution protects the rights to receive information and ideas." *Stanley v. Georgia*, 394 U.S. 557, 564 (1969). "This right to receive information and ideas is fundamental to our free society." *Id.*

At the heart of the right to know recognized in *Lamont*, *Griswold*, and *Stanley* is the ability to receive information and ideas about the government and its business.[29] This right protects "the free discussion of governmental affairs." *Landmark Communications*, 435 U.S. at 838. By purposefully depriving language minorities of access to information about governmental affairs and services, Article XXVIII unconstitutionally abridges non-English-speaking Arizonans' right to know and inhibits participation in the "free discussion" of issues and ideas at the core of the First Amendment.[30]

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[29] *See, e.g., Landmark Communications*, 435 U.S. at 837-842 (publication of truthful information in official commission records); *see also Buckley v. Valeo*, 424 U.S. 1, 14 (1976) (First Amendment affords broadest protection to information regarding political affairs to assure "unfettered interchange of ideas" for bringing about political and social changes); *New York Times Co. v. United States*, 403 U.S. 713 (1971) (public dissemination of information regarding foreign policy).

[30] Petitioners' claim that the Tenth Amendment insulates Article XXVIII from First Amendment scrutiny is fundamentally flawed. *See*

(continued...)

B. Article XXVIII Suppresses the Free Flow of Truthful, Nonmisleading Information.

The corollary to the right to receive information and ideas is the principle that the government does not have broad discretion to impose laws that purposefully suppress truthful, nonmisleading information merely for paternalistic purposes. *44 Liquormart, Inc. v. Rhode Island*, 116 S. Ct. 1495, 1508 (1996); *Meyer v. Nebraska*, 262 U.S. 390, 403 (1923). "The First Amendment directs us to be especially skeptical of regulations that seek to keep people in the dark for what the government perceives to be their own good." *44 Liquormart*, 116 S. Ct. at 1508. Article XXVIII does just that by "hiding" truthful information from non-English-speaking citizens in an effort to force them to speak English "for their own good."

This Court has most often articulated this concern with hiding truthful information in the context of restrictions on the right of citizens to receive information on commercial transactions. *See 44 Liquormart*, 116 S. Ct. at 1508; *Ibanez v. Florida Dep't of Business and Professional Regulation*, 114 S. Ct. 2084, 2088-89 (1994); *Bates v. State Bar of Arizona*,

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[30](...continued)
Pet. Br. at 30-32. Article XXVIII is not an act of the federal government which encroaches upon police powers reserved to the states. *See United States v. Lopez*, 115 S. Ct. 1624 (1995). Moreover, through Article XXVIII, the State of Arizona would impermissibly impair individual rights guaranteed by the United States Constitution to Arizona residents. If there is any principle which stands clear, it is surely that neither Arizona nor any other state can abridge the individual liberties protected by the Bill of Rights in the name of "states' rights." *See, e.g., Hunter v. Underwood*, 471 U.S. 222, 233 (1985) (Tenth Amendment cannot save legislation prohibited by Fourteenth Amendment); *Gulf, Colo. & S.F. Ry. v. Hefley*, 158 U.S. 98 (1895) (powers reserved to the states must be exercised in subordination to the federal Constitution).

433 U.S. 350 (1977); *Virginia State Bd. of Pharmacy*, 425 U.S. at 773. In striking down Rhode Island's statutory prohibition against advertisements that provided the public with accurate information about retail prices of alcoholic beverages, this Court stated that "bans that target truthful, nonmisleading commercial messages . . . not only hinder consumer choice, but also impede debate over central issues of public policy." *44 Liquormart*, 116 S. Ct. at 1508. Likewise, in *Virginia State Bd. of Pharmacy*, the Court concluded that the free flow of commercial information was indispensable to ensuring that individuals make informed and intelligent economic decisions.

Just as advertising plays a central role in informing debate in our free market economy, the free flow of information from the State regarding government services is indispensable to maintaining our democratic form of government:

> [The First Amendment] embodies our Nation's commitment to popular self-determination and our abiding faith that the surest course for developing sound national policy lies in a free exchange of views on public issues. And public debate must not only be unfettered; it must also be informed. For that reason this Court has repeatedly stated that First Amendment concerns encompass the receipt of information and ideas as well as the right of free expression.

Saxbe v. Washington Post Co., 417 U.S. 843, 862-63 (1974) (Powell, J., dissenting) (footnote and citations omitted).

Article XXVIII is an unconstitutional restraint on the marketplace of ideas and discourse. It impedes the free flow of information necessary to have an informed populace by silencing non-English speakers and those government

employees that could communicate with them. Such enforced silence is contrary to our Nation's commitment, embodied in the First Amendment, to the ideal that the free exchange of ideas is the best method of resolving controversial issues.

As Justice Brandeis exclaimed in his objection to a prohibition of political speech, "the remedy to be applied is more speech, not enforced silence." *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring). Accordingly, the State cannot purposefully exclude a segment of the population from the free debate on government and what it does, nor suppress direct communication between the government and the governed. "The protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue." *Meyer*, 262 U.S. at 401.

IV. ARTICLE XXVIII DOES NOT PROMOTE ANY OF THE ASSERTED STATE INTERESTS.

A. Article XXVIII Does Not Promote Efficiency, Effectiveness or Accuracy.

Petitioners claim that Article XXVIII promotes Arizona's interests in "efficiency, effectiveness, accuracy, legitimacy and encouragement of unity." *Pet. Br.* at 37. But the State has already conceded that its operations are more efficient if government employees are permitted to communicate with a non-English speaker in the constituent's native language. (J.A. 53-54.) As evidenced by the State's own action in providing information in languages other than English, it is also more effective and more accurate *not* to require that all communication by the State be made only in English. Accordingly, Petitioners cannot legitimately claim that Article XXVIII promotes efficiency, effectiveness and

accuracy, interests which the State, by admission and by deed, has conceded Article XXVIII obstructs.

B. Article XXVIII Does Not Promote Governmental "Legitimacy."

Petitioners assert that Article XXVIII promotes some allegedly "valid State interest in [Arizona's] own legitimacy." *Pet. Br.* at 36. In fact, this alleged State interest is merely a euphemism for Petitioners' blatantly discriminatory attempt to exclude linguistic minorities from the democratic process, which is not a "legitimate" State interest at all. *See Romer v. Evans*, 116 S. Ct. 1620 (1996).

In the one case that Petitioners cite for this assertion, *United States v. International Union United Auto. Workers*, 352 U.S. 567 (1957), this Court upheld a statute intended to protect the role of individuals and minorities in the electoral process by prohibiting contributions by corporations and unions to electoral campaigns for federal office. The teaching of that case, if at all relevant in this context, is that government promotes its "legitimacy" by *not* adopting the majority view when necessary to ensure that the voice of the minority is heard. Article XXVIII does the precise opposite by ensuring that *only* the voice of the majority is heard, to the detriment of non-English speakers. As Congressman Mineta noted regarding a proposed English Language Amendment to the United States Constitution, English-only laws "set up a class of 'outsiders'--unable to communicate with their government, and their government unable to communicate with them -- all based on language skills."[31]

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[31] *English Language Constitutional Amendments: Hearings on H.J. Res. 13 Before the Subcomm. on Civil and Constitutional Rights of the*

(continued...)

Petitioners illustrate the alleged state interest in governmental legitimacy with the story of an English speaker unable to find someone at a government office who spoke her language. *Pet. Br.* at 36. Were the languages simply reversed, this story represents exactly the circumstances in which non-English speakers in Arizona would find themselves in an English-only government.[32] Moreover, using Petitioners' reasoning, this scenario illustrates the perception of governmental "illegitimacy" that linguistic minorities in Arizona would hold if the State mandates that its employees speak only English.

Ultimately, legitimacy of government is not promoted by adopting a constitutional amendment which "officially" denies the existence of language minorities, and "officially" imposes a unified, English-only facade for Arizonans. The State of Arizona must serve all Arizonans, not just those who need reassurance that the State speaks like the English-speaking majority. Article XXVIII permits the government to abdicate its responsibility to ensure that *all* its constituents participate in democratic government and allows it to rely on the altruism

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[31](...continued)
Comm. on the Judiciary, 100th Cong., 2d Sess. 2 (1988) (statement of Rep. Norman Y. Mineta).

[32] The burden of coercive language choice on the rights of non-English-speaking Arizonans is readily apparent by taking Petitioners' argument to its logical conclusion. Petitioners claim that "Arizona may choose the language in which it will speak." *Pet. Br.* at 20. If, for example, the State legislature required all government communication in only Navajo, to encourage persons in the State to appreciate the contributions and heritage of Navajo culture to Arizona, such a language choice law would surely be struck down as impermissibly burdening the right of non-Navajo-speaking Arizonans to participate in the "free discussion of governmental affairs."

of private parties such as CBOs to communicate with non-English-speaking Arizonans. While CBOs serve language minorities in many ways, they cannot substitute for government itself.

C. Article XXVIII Does Not Promote National Unity or Use of a Common Language.

While national unity has been deemed a legitimate government interest in certain contexts,[33] Article XXVIII, *by coercion*, does not promote that interest.[34] Language alone cannot promote national unity. Without other, more important common bonds, such as the belief in a democratic form of government and equality of opportunity, a common language would be of little use.[35] For example, sociolinguist Karl Deutsch has found that language is not a necessary or sufficient condition for a sense of nationalism. Deutsch points out:

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[33] *See West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 640 (1943) ("National unity as an end which officials may foster *by persuasion and example* is not in question.") (emphasis added).

[34] *See id.* ("The problem is whether under our Constitution compulsion as here employed is a permissible means for its achievement."). Federal law does not seek unity through use of only English. For example, federal law provides that "[t]he right of Native Americans to express themselves through the use of Native American languages shall not be restricted in any public proceeding, including publicly supported education programs." 25 U.S.C. § 2904 (1994).

[35] *See* Valerie A. Lexion, Note, *Language Minority Voting Rights and the English Language Amendment*, 14 Hastings Const. L. Q. 657, 677 (1987). Indeed, Petitioners themselves acknowledge that "unity comes from a common language and a core public culture of certain shared values, beliefs, and customs which make us distinctly 'Americans.'" *Pet. Br.* at 36-37.

> The Swiss may speak four different languages and still act as one people, for each of them has enough learned habits, preferences, symbols, memories, patterns of landholding and social stratification, events in history, and personal associations, all of which together permit him to communicate more effectively with other Swiss than with the speakers of his own language who belong to other peoples.[36]

Furthermore, Article XXVIII is not needed to promote use of a common language. America already has a common language--English. The 1990 United States census statistics show that only 3.1% of the census respondents do not speak English well or very well.[37] Given the widespread acceptance and use of English,[38] it is an essential role of government to

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[36] Karl W. Deutsch, *Nationalism and Social Communication* 97 (1966), *quoted in* Andre Solé, *Official English: A Socratic Dialogue/Law and Economics Analysis*, 45 Fla. L. Rev. 803, 825 (1993).

[37] 86.2% of adult respondents to the 1990 census survey speak *only* English. 77.4% of the remaining 13.8% individuals who speak a non-English language at home indicated that they spoke English well or very well. 1990 U.S. Census, *Population Data, Table ED 90-5, Language Use and English Ability, Persons 18 Years and Over, by State* (*available in* Westlaw database CENDATA).

[38] *See Statement of the National Education Association on English as a Common Language*, Submitted to the Subcomm. on Early Childhood, Youth and Families of the Comm. on Economic and Educational Opportunities, U.S. House of Rep. 2 (Nov. 1, 1995) ("People who live in the United States understand and accept the economic importance of learning English and don't need a law to force them to learn it."). Even now, the educational system cannot keep up with the demand for English as a Second Language classes. *See* Elaine Woo, *Immigrants--A Rush to the Classroom*, L.A. Times, Sept. 24, (continued...)

recognize the existence of linguistic minorities and strive to ensure their participation in and access to government.

Ultimately, attempts to compel unity by suppressing language result in divisiveness.[39] Over fifty years ago this Court perceptively stated: "Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what . . . shall compel [Americans] to unite in embracing." *Barnette*, 319 U.S. at 641. The Court recognized the ultimate futility of such attempts to compel unity "from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, [and] the Siberian exiles as a means to Russian unity." *Id.* Here, as in *Barnette*, "[a]s governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be." *Id.*

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[38](...continued)
1986, at 1 (over 40,000 persons in Los Angeles County on waiting list for English classes).

[39] *See, e.g.*, Antonio J. Califa, *Declaring English the Official Language: Prejudice Spoken Here*, 24 Harv. C.R.-C.L. L. Rev. 293, 295 (1989) ("English-Only laws are divisive and succeed only in stigmatizing Hispanics."); *see also* Hugo Beardsmore & Roland Willemyns, *Comment*, 60 Int'l J. Soc. Lang. 117, 120-21 (1986) (tensions in bilingual nations such as Belgium due not to bilingualism *per se*, but rather to historical factors and lack of equality afforded to subordinate language group).

V. CONCLUSION

For the reasons set forth above, this Court should affirm the judgment of the Court of Appeals.

Respectfully submitted,

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APPENDIX

APPENDIX

National Council of La Raza (NCLR) (Washington, D.C.)

NCLR is the nation's principal constituency-based Hispanic organization, serving all Hispanic subgroups in all regions of the country. Headquartered in Washington, D.C., NCLR has program offices in Los Angeles, Phoenix, Chicago, and San Antonio. NCLR annually reaches over two million Hispanics through a formal network of "affiliates" - over 200 organizations serving 37 states, Puerto Rico, and the District of Columbia - and a broader network of more than 20,000 groups and individuals nationwide. NCLR is a private, non-profit, non-partisan, tax-exempt organization established in 1968 to reduce poverty and discrimination and improve life opportunities for Hispanic Americans.

Ayuda, Inc. (Washington, D.C.)

Founded in 1971, Ayuda, Inc. is a nonprofit, community-based organization that offers high-quality legal services to low-income, Spanish-speaking, and foreign-born men and women of the Washington, D.C. metropolitan area. It strives to assure equal treatment under the law for all and to inform clients of their rights and obligations under the laws of the United States and the District of Columbia. Ayuda's staff of lawyers and paralegals, assisted by volunteers, offer their expertise in the areas of immigration, domestic relations, and domestic violence.

Alivio Medical Center (Chicago, IL)

Alivio Medical Center is a bilingual, bicultural organization committed to providing access to quality, cost-effective health care primarily to the Hispanic community, the

uninsured and the underinsured, without excluding other cultures and races. This mission is expressed through the provision of services, advocacy, education, research, and evaluation.

American G.I. Forum of the United States (AGIF) (Austin, TX)

AGIF was founded in 1948. Local chapters function under a regional or state structure. The GI Forum pursues the interests of veterans and Hispanics in the areas of education, youth leadership and motivation, employment, civil rights, legislation, and communications.

Amigos del Valle, Inc. (Mission, TX)

Founded in 1974, Amigos del Valle, Inc. aims to maintain the elderly population of South Texas mentally, physically, and socially, so as to enhance an independent lifestyle. It provides comprehensive services to the elderly in the lower Rio Grande Valley of Texas, including housing, meals, recreation, transportation, and emergency services. Its constituency is the 60 year-old and older population of Hidalgo, Willacy, and Cameron Counties, of which more than 85% are Hispanic, and the majority are from farmworker families. Amigos serves 3,500 elderly daily at 34 centers, and owns and manages 300 units of housing for the elderly.

Arizona Hispanic Chamber of Commerce Foundation (AHCC) (Phoenix, AZ)

Founded in 1991, the mission of AHCC is to run programs which focus on community, economic, and business development through advocacy, action-based research, a business loan pool, and entrepreneurial skills training. AHCC currently runs *Revive Arizona!*, a rural economic development

program funded by the U.S. WEST Foundation. AHCC also has a contract with the U.S. Department of Transportation to create a database of small and disadvantaged businesses in a specific region. This database will be used to provide information on transportation-related procurement opportunities.

Asian American Lawyers Association of Massachusetts, Inc. (AALAM) (Boston, MA)

AALAM is a nonprofit organization comprised of nearly 100 Asian Pacific American attorneys in the Commonwealth of Massachusetts. AALAM seeks to promote and enhance the role of Asian Pacific American attorneys in the profession, as well as to identify, address, and monitor legal issues of concern to the Asian American community. AALAM's members practice in a variety of settings, including major law firms, legal services organizations, government, corporations, and nonprofit organizations. AALAM is the Massachusetts affiliate of the National Asian Pacific American Bar Association, a membership organization of nearly 5,000 Asian Pacific American attorneys throughout the country.

Asian Law Alliance (ALA) (San Jose, CA)

ALA was established 19 years ago by Santa Clara law students to provide legal assistance, education, advocacy, and organizing support to the Asian Pacific Islander community in Santa Clara County. As the only legal services organization serving this Asian Pacific Islander population of almost 300,000, ALA is dedicated to ensuring top-quality multilingual and multicultural legal assistance to promote dignity, self-reliance, and a better quality of life for the people it assists.

Asociación Pro Servicios Sociales, Inc. (Laredo, TX)

Asociación Pro Servicios Sociales, Inc. is a community-based organization which provides advocacy, community and economic development, immigration and legalization services, and information and referrals. It provides local projects with technical assistance and financial support. Asociación also operates a food bank for the low-income population of Laredo County, Webb County, and the surrounding area.

CASA of Maryland (Takoma Park, MD)

CASA of Maryland is a nonprofit organization founded in 1985 that provides direct assistance, education, advocacy, and empowerment services to the Latin American community in the suburban Maryland/Washington, D.C. area. Its programs and services include: human services information and counseling; translations and applications assistance; immigration counseling and assistance; adult literacy instruction; leadership development activities; community advocacy; and an employment and training center which provides job skills training, temporary and permanent job placement, driver education classes, pre-employment life skills counseling, and legal rights instruction for workers and immigrants.

Center for Hispanic Policy and Advocacy (CHisPA) (Providence, RI)

Founded in 1986, CHisPA is a nonprofit organization dedicated to improving the social, economic, political, and educational status of Rhode Island's Latino community. CHisPA provides support and advocacy to groups and individuals working for Hispanics in the state. CHisPA's projects include a Community Leadership Development

Initiative, Hispanic Health Coalition, an urban Promotoras de Salud Model program, Project CASA, a Latino homeownership program, and management of the Juanita Sanchez Multiservice Center, where five nonprofit organizations provide services to the community. CHisPA also provides technical assistance to emerging grassroots groups, conducts research and policy analysis, and advocates on behalf of Rhode Island Latinos.

Center for Training and Careers, Inc. (CTC) (San Jose, CA)

Founded in 1944, CTC provides vocational training to unemployed and economically disadvantaged residents of Santa Clara County, including direct services in employment and training. Skills training programs include: Core Competencies, Adult Basic Education, Automated Office Technology, Computer Operation/Data Entry, Desktop Publishing, Medical Secretary, Offset Printing, Remedial Education, Word Processing, and GED Preparation.

Centro de Amistad, Inc. (Guadalupe, AZ)

Founded in 1977, Centro de Amistad, Inc. is a community-based behavioral health agency which strives to empower the Indolatino community to be healthy -- physically, mentally, and spiritually -- through various programs. Its programs include: outpatient behavioral and mental health therapy; wellness services; immunization clinics; prenatal support/education for pregnant women; well baby clinics; diabetes screening; and exercise/education related activities with an organizational/leadership component. Centro de Amistad is also currently developing policy, advocacy, training, and experimental models relating to the Indolatino population.

Centro de la Familia de Utah (Salt Lake City, UT)

Centro de la Familia de Utah has been providing direct services and advocacy for Utah's minority populations since 1975. Although Centro de la Familia addresses the problems common to most minorities, it has developed a particular expertise with respect to Hispanics, and its mission is to strengthen the Hispanic family by promoting self-sufficiency. To achieve this, it works to: provide services that will strengthen the family; develop linkages with other providers to facilitate these services; mobilize Hispanic community resources; provide data on the Hispanic community; identify and eliminate gaps in the social service delivery system; institutionalize its organizational philosophy; conduct data collection and evaluations to enhance its programs; and provide training opportunities to Hispanics and non-Hispanics.

Centro de Salud Familiar La Fé, Inc. (El Paso, TX)

Founded in 1968, Centro de Salud Familiar La Fé, Inc. is a community health center that provides comprehensive health care services primarily to the indigent Hispanic community of El Paso County. Primary health care services include: clinical evaluation; gynecology; adolescent care; immunizations; pre- and post-natal care; family planning; podiatry; HIV screening, treatment, and case management; and comprehensive dental services. Auxiliary services include pharmacy, diagnostic laboratory, radiology, referrals, patient transportation, translations, health education programs, and social services.

Centro Latino de San Francisco (San Francisco, CA)

Founded in 1972, Centro Latino de San Francisco strives to enhance the quality and lifestyle of the elderly in San Francisco. It provides individual and group counseling for

seniors needing professional attention; employment and housing advocacy; recreational and educational activities; assistance in securing Medicare, Medi-Cal, and Social Security benefits; and hot nutritious lunches for seniors both on-site and at home. Centro Latino also offers educational programs for families in collaboration with NCLR's C^2E^2 program. It provides evening family reading classes for adults and an after-school *Academia del Pueblo* academic enrichment program for at-risk elementary school students. It also administers testing and provides citizenship classes in English and Spanish.

CHARO Community Development Corporation (Los Angeles, CA)

Founded in 1967, CHARO Community Development Corporation's mission is to design programs which provide quality services with a positive return on resource investment and to contribute toward the economic and social improvement in the Latino community. CHARO accomplishes this by developing self-sustaining programs, ensuring the quality of services, and encouraging a collaborative process with the community. It operates the following divisions: economic development; environmental services; CHARO Industries; affordable housing development; career center; and child care development centers.

Chicano Federation of San Diego County, Inc. (San Diego, CA)

The Chicano Federation of San Diego County was formed in 1968 to develop leadership in the Mexican-American community, promote community development, provide high-quality services, and advocate on behalf of the Latino community. It provides employment and training, social and health services, conducts economic development projects, and

constructs housing for elderly and low-income residents of San Diego County.

Chicanos Por La Causa, Inc. (CPLC) (Phoenix, AZ)

Founded in 1969, CPLC's mission is to provide individuals and families in the community the opportunities they need to improve their quality of life. Now a statewide organization with offices in several communities, CPLC has developed into a community development corporation which carries out housing and economic development activities such as planning, research, and technical assistance for small businesses, as well as social, employment, education and training, counseling, and legalization services for low-income people throughout Arizona.

Chinese Progressive Association (CPA) (Boston, MA)

CPA is a grassroots community-based organization whose mission is to work for full equality and empowerment for Chinese Americans. CPA has a workers' center which is run by and for immigrant workers to educate, organize, and advocate for their rights on the job or on the unemployment line. CPA also provides English-as-a-Second-Language and citizenship classes, and drop-in social services to hundreds of immigrants each year.

CPA was founded nearly twenty years ago and is best known for its organizing around such issues as immigrant rights and political empowerment; workers' rights to decent wages, working conditions, and a safety net for the unemployed; parent decision-making and participation in children's education; and community control of land development and environmental justice.

Clínicas de Salud del Pueblo, Inc. (Brawley, CA)

Founded in 1970, Clínicas de Salud del Pueblo, Inc. works to provide direct access to comprehensive, quality primary and preventive health care for underserved residents of the Imperial and Palo Verde Valleys of Southern California. It operates six rural health clinics which provide walk-in medical services at an affordable cost. Its services include family planning, health education, Women and Infant Care nutrition, social services, transportation, and a Boys & Girls Club.

Colonias del Valle, Inc. (Pharr, TX)

Colonias del Valle, Inc. provides advocacy and resource mobilization to improve the socio-economic conditions of residents of *colonias* (rural unincorporated communities), and to upgrade substandard housing through weatherization and rehabilitation. Its constituency is primarily farmworker families in the Lower Rio Grande Valley of South Texas. Programs include day care, education, job skills training, and infrastructure development.

Corporate Fund for Children (Austin, TX)

The Corporate Fund for Children was established in 1979 by the Levi Strauss Foundation and the Texas Department of Human Services to create a matching fund for federal dollars to be used for the development of child care centers in rural Texas. Today, the mission of the Corporate Fund still includes creating economic support opportunities in rural communities. However, the mission is broader, now encompassing full community development. Through its statewide technical assistance grants, it offers CBOs support in the area of child care, community arts, parenting, advocacy, substance abuse prevention, and information and referral.

Escuela de la Raza Unida (Blythe, CA)

Founded in 1972, Escuela de la Raza Unida is a nonprofit, public benefit educational institution offering bilingual/bicultural education for grades K-12. Escuela is geared to meet the needs of farmworkers' children. It is one of a handful of autonomous, Chicano-operated alternative schools in the United States. Escuela also serves as a community-based organization in the Palo Verde Valley actively addressing the needs of the farmworker community. Its activities include: operation of a non-commercial and bilingual educational radio station; paralegal services; community organizing; and sponsorship of cultural events.

Friendly House, Inc. (Phoenix, AZ)

Friendly House, Inc. is a social service agency whose mission is to eliminate illiteracy among Hispanics. It is dedicated to the betterment of immigrants who reside in the South Phoenix area. Friendly House offers the following programs: immigration assistance, education, social services/counseling, youth programs, home/personal care, rehabilitation, information and referral services, and parenting skills training. In collaboration with NCLR's C^2E^2 program, Friendly House operates after school academic enrichment programs for elementary and junior high school students and education and literacy programs for their parents. Although the majority of its clients are of Hispanic origin, Friendly House offers its services to anyone in need.

Greater Dallas Foundation, Inc. (Dallas, TX)

Founded in 1981, the Greater Dallas Foundation, Inc. is a private, nonprofit corporation organized to facilitate the provision of legal assistance to underprivileged people who are unable to afford the services of a private attorney. The

Foundation works primarily to link disadvantaged clients with private attorneys, who are encouraged to take significant cases with the associated costs and/or legal fees underwritten by the Foundation. Community development activities are a new focus of the Foundation, which will work in housing, business, and community development. The Foundation also provides advocacy and youth leadership training.

Guadalupe Center, Inc. (GCI) (Kansas City, MO)

GCI is a community-based organization which seeks to serve the needs of the elderly, youth, and other residents of the Westside community, as well as Hispanics throughout the Kansas City metropolitan area. It provides comprehensive services including education, elderly services, day care, teen pregnancy services, recreation, and employment and training. It operates an alternative high school and helps operate a neighborhood parochial elementary school. In collaboration with NCLR's C^2E^2 program, GCI offers an *Academia del Pueblo* program for elementary school students and adult education activities for their families.

Hispanic American Council, Inc. (Kalamazoo, MI)

Founded in 1982, the Hispanic American Council, Inc. strives to advocate for the Hispanic population in southwest Michigan and to nourish and encourage their diverse cultural heritage within the larger community. The Council seeks to assist Hispanics in maintaining self-sufficiency and fostering social and economic well-being by concentrating on education, employment, and housing. Its services include immigration assistance, English-as-a-Second-Language (Family Reading Program), court interpretation, emergency interpretation, health referrals, food referrals, clothing, job placement, resume preparation, and housing referrals.

Hispanic Coalition (Miami, FL)

The Hispanic Coalition's purpose is to promote the unification and active participation of Hispanic organizations in Miami, to enable them to voice their needs and concerns in order to receive equal economic, social, political, and cultural benefits in the State of Florida. It provides community development, educational, professional/career development, employment and training, immigration services, and information and referral services.

Housing for Mesa, Inc. (Mesa, AZ)

Founded in 1988, Housing for Mesa, Inc. is a nonprofit, community-based housing development corporation that promotes the creation and preservation of permanent, affordable housing and provides housing support services for low-income families and individuals with children. Housing for Mesa has created a private/public partnership in which public resources, such as local Community Development Block Grants and state funds, are leveraged to bring in additional private resources and in-kind contributions from the community, including participation by local lending institutions. Current housing programs include: First-Time Homebuyer Program; substantial rehabilitation of existing homeownership housing units; and housing information and counseling services.

Houston Community Services (Houston, TX)

Houston Community Services was incorporated in 1975 with three primary missions: to operate a social service center, to provide cultural enrichment, and to carry out economic development. It provides a variety of services to the community, including notary, income tax preparation,

immigration services, and referral to jobs and other agencies in the Hispanic *barrio* of Houston.

Humanidad, Inc. (Rocky Hill, CT)

Founded in 1980, Humanidad, Inc. is a nonprofit agency which provides bilingual/bicultural educational and residential services, as well as advocacy and health care for persons with disabilities. Its services include residential management, nursing, educational, life domain and behavioral programs for person with developmental disabilities. Humanidad maintains five independent community residential homes in the greater Hartford region, each serving a small number of clients. Direct care is provided 24 hours a day by more than 30 full-time and part-time employees and contractors.

La Causa, Inc. (Milwaukee, WI)

Incorporated in 1972, La Causa, Inc. serves over 4,000 children, adults, and families each year. La Causa's services include a Pre-College Education Center for adults, Family Resource Center, Learnfare, Parental and Family Responsibility consortium, Crisis Nursery, Satellite Homes, Nurturing Program, Respite for Special Needs Children, day care, Head Start, kindergarten, Hispanic Early Learning Program, and foster care.

Latin American Professional Women's Association (LAPWA) (Los Angeles, CA)

LAPWA, which originated from the Los Angeles Bilingual Secretaries Association in 1975, provides a mutual support group for Latinas working to enrich themselves vocationally, educationally, and culturally. It achieves this through different programs, such as a scholarship fund for

Latinas who are heads of household over the age of 25 and in college; a "Hermanita/Little Sisters Program," a project that matches Latina "Big Sister" companions with young Latinas; and a series of educational and informative speakers.

Latin Americans for Social and Economic Development, Inc. (LA SED) (Detroit, MI)

Founded in 1969, LA SED promotes social and economic development of the Hispanic community and all residents of Southwest Detroit. It provides employment and training, weatherization/energy information and referral, educational services and advocacy, as well as senior citizen and youth services. LA SED sponsors and coordinates an annual "Yuletide Fiesta" which supplies food, toys, and clothing to the needy during the Christmas season.

Latino Family Services (Detroit, MI)

Latino Family Services is an organization that provides a wide range of family and youth services to Latinos and other residents of the Hispanic *barrio* of Detroit. It operates a substance abuse center, and provides alcohol/drug counseling, AIDS education and testing, counseling and referral, therapeutic and support groups, and in-school and summer youth prevention activities.

LEARN, Inc. Educational Talent Search (Lubbock, TX)

LEARN, Inc. Educational Talent Search is an organization designed to assist individuals who have academic potential to enter or re-enter programs of secondary and post-secondary education. LEARN's participants come from many cultural backgrounds and span a wide range from youth to the elderly. Its services include counseling students about vocational, academic, and career choices; helping in the

application process for admissions; ACT and SAT registration; and housing and financial aid.

Mexican American Commission (Lincoln, NE)

The Mexican American Commission is a statewide Governor-appointed Board whose mission is to advocate on behalf of the Hispanic community within the State of Nebraska in the areas of employment, health, education, housing, welfare, social adjustment, and other conditions pertaining to the general welfare of Hispanics. The Commission closely follows legislation in Nebraska to promote favorable laws and to oppose laws detrimental to the Hispanic community.

The Mexican Community Committee of South Chicago (MCC) (Chicago, IL)

Founded in 1959, MCC offers educational programs, counseling, organized sports, and cultural activities in order to enhance the well being of the youth and families of Southeast Chicago. By providing advocacy programs with youth-serving agencies in the community, MCC works actively to prevent juvenile delinquency. MCC also offers job development, bilingual educational support, a dropout prevention program, and extensive family counseling. MCC encourages community residents to volunteer in agency programs to promote pride in the community.

NAF Multicultural Human Development, Inc. (NAF) (North Platte, NE)

Founded in 1979, NAF is a statewide organization that serves communities in 93 Nebraska counties with the purpose of promoting economic self-sufficiency, social, and physical well-being. Through its seven regional offices, NAF provides services which include: Adult Basic Education (includes

English-as-a-Second-Language and GED preparation); vocational/occupational training; on-the-job training; counseling and referrals to employment; supportive and emergency services; outreach to and health services for migrants, seasonal farmworkers, and low-income women and children; HIV/AIDS and substance abuse education and prevention; advocacy and translation; and assistance with family immigration benefits.

National Asian Pacific Center on Aging (NAPCA) (Seattle, WA)

NAPCA represents Asian/Pacific Islander elders at the national level, preparing policy recommendations to improve awareness, access, and utilization of services. In addition, NAPCA networks with Asian/Pacific Islander community-based service providers and mainstream aging organizations to enhance the capabilities of Asian Pacific communities to meet the needs of their elderly through strong formal and informal support.

Northwest Communities Education Center (NCEC) (Granger, WA)

NCEC is a minority community-based organization which focuses its efforts on responding to the cultural, educational, and informational isolation of the Hispanic/Latino and other disadvantaged communities. NCEC, through its radio station, produces radio programming to help such communities overcome barriers of illiteracy, language, discrimination, poverty, and illness.

El Proyecto del Barrio, Inc. (Arleta, CA)

Founded in 1970, El Proyecto del Barrio, Inc. is a nonprofit organization providing bilingual/bicultural

comprehensive community services and advocacy in the areas of: drug/alcohol prevention and treatment; job training and employment; primary health care; and education. The primary target population is Latino and other economically disadvantaged youth and adults in the San Fernando Valley. El Proyecto's programs and services include: health education, family health care clinics, a prenatal service center, youth services, an early intervention program, an outpatient drug free program, a community resource center, and an employment and training program.

Rural Opportunities, Inc. (Rochester, NY)

Rural Opportunities, Inc., is a multistate, nonprofit corporation, organized in 1969 to provide services to and advocate on behalf of migrant and seasonal farmworkers and rural disadvantaged individuals. Its mission is the improvement of the lives and living conditions of its constituency through self-help and advocacy. Rural Opportunities, Inc. offers programs in adult employment, health and safety services, affordable housing development, business and economic development, children and youth services, participant support, advocacy, and employer assistance programs.

Servicios de La Raza, Inc. (Denver, CO)

Servicios de La Raza, Inc., established in 1972, is a state-licensed, bilingual, human services organization. Its mission is to provide and advocate for comprehensive, culturally-relevant human services for the Spanish-speaking population of Denver, Colorado. Mental health, alcohol treatment, youth development, employment training, and a variety of basic emergency services are provided in an integrated, comprehensive manner.

Southwest Key Program (Austin, TX)

Founded in 1987, the Southwest Key Program is a private, nonprofit agency which operates 23 community-based treatment programs for delinquent youth and their families in major cities across Texas and Arizona. It has designed and implemented innovative program models for federal, state, and local agencies, and currently operates seven different program models. Programs include an outreach and tracking program; day treatment; residential treatment centers; in-home services for abused and neglected youth; a program for runaways; a family preservation program; and a program which provides services to delinquent youth and their families from the time they are incarcerated in state institutions to their eventual release to standard parole.

Spanish Speaking Council of Reading and Berks County (Reading, PA)

The Spanish Speaking Council of Reading and Berks County, founded in 1977, serves the needs of the low-income and Hispanic community of Reading and Berks County in Pennsylvania. The center is a multiservice provider striving to promote individual self-sufficiency, a strong family, and a cohesive community by providing programs such as education; support for the elderly; an escort service; housing rehabilitation; drug education; AIDS prevention education; child abuse advocacy; youth violence prevention; and presentations through radio (*La Voz Latina*) and television (*Hispanic Center Presents*).

Spanish Theater Repertory Co., Ltd. (Repertorio Espanol) (New York, NY)

Founded in 1968, *Repertorio Espanol* serves as a catalyst for cultural exchange between Spanish-speaking and

English-speaking Americans, as well as between the United States and its nearest neighbors, by bringing theater to a broad audience in New York City and across the country. *Repertorio Espanol* offers the best of Latin American, Spanish, and Hispanic-American theater in distinctive, quality productions while working to create a professional company of actors, singers, musicians, and directors who perform in the Spanish language.

Sparks Housing Development Corporation (El Paso, TX)

Founded in 1979, Sparks Housing Development Corporation is a community organization made up of residents of the Sparks *colonia*. The organization represents residents in their efforts to improve living conditions by getting water, electric, and other services to the area. Sparks also assists residents who do not speak or understand English with needs such as applications for services.

Student Alternatives Program, Inc. (San Antonio, TX)

Founded in 1990, Student Alternatives Program, Inc. is a nonprofit organization which plans, develops, and implements curriculum and instructional services for at-risk and dropout youth from the ages of 14-21 through performance-based contracts with school districts in the State of Texas. The curriculum includes the essential elements required for students to attain their high school diploma from the participating school districts. GED instruction is also provided. The organization has 24 instructional centers throughout the state, representing 28 school districts.

Tejano Center for Community Concerns, Inc. (TCCC) (Houston, TX)

Founded in 1992, TCCC is a community-based, nonprofit agency whose mission is to improve opportunities for Hispanics through the provision of educational, social, housing, and economic development initiatives. It operates youth violence prevention programs, ABC/ESL classes, drug abuse and AIDS prevention, and gang intervention and prevention. TCCC is also developing a foster care group home and shelter, organizing resident and homeowner groups, and beginning a home ownership program for low-income families. Ten single family homes were built in 1995 and 50 single family units are projected for 1996. The newest initiative of TCCC is the Raul Yzaguirre Charter School for Success, which targets Hispanic 7th and 8th grade students and will feature one of the most creative and individualized education programs for middle school youth in the country.

Texas Enterprise for Housing Development, Inc. (TEHDI) (Mission, TX)

TEHDI was incorporated in 1991 to develop affordable housing programs in the South Texas area. TEHDI develops multi-family units for very low-income families through the acquisition of Resolution Trust Corporation single family units, and generating new multi-family units. TEHDI also sponsors an affordable home ownership program for low-income families.

Valle del Sol, Inc. (Phoenix, AZ)

Founded in 1970, Valle del Sol's mission is to empower its community through advocacy and a continuum of culturally sensitive health services, partnerships, and social services. Programs include substance abuse prevention and

treatment, and a wide range of counseling services for youth and families. Valle del Sol is the founder of the Hispanic Leadership Institute of Phoenix, now operating in partnership with Arizona State University. Valle del Sol also helps provide medical services in conjunction with local hospitals.

Washington Alliance for Immigrant and Refugee Justice (Seattle, WA)

The Washington Alliance for Immigrant and Refugee Justice is an alliance of community-based organizations and individuals dedicated to upholding human and civil rights for all immigrants and refugees. The Alliance pursues its mission through community empowerment, public education, political advocacy, and direct action. The work of the Alliance is guided by a nine-member steering committee, which includes representatives of community-based, labor, religious, student, educational, social service, and legal advocacy organizations.

Westside Housing Organization (WHO) (Kansas City, MO)

Founded in 1973, WHO is a nonprofit community development corporation whose mission is to provide decent, safe, and affordable housing in the Westside. WHO programs have included substantial and moderate rehabilitation, minor and emergency repairs, energy conservation improvements, a tool lending library, contractor assistance and referrals, and technical assistance on repairs for residents. WHO has been involved in the community as a local rental manager for over 13 years, and is also involved in the development, ownership, and management of rental properties.

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